

### REMARKS

By this Amendment, claims 1-10 and 23-33 are canceled without prejudice or disclaimer. As a result, claims 11-22 are pending in the application. The present cancellation of claims is intended to pass the present case to issue, and is not necessitated by any prior art, applied or otherwise.

Claims 11 and 18 are each amended to now be independent claims, and are each also amended for clarity. Such amendments are not necessitated by any prior art, applied or otherwise, and do not create any estoppel.

- A Terminal Disclaimer is concurrently filed and is believed to overcome the obviousness-type double patenting rejection of claims 1 and 18-22 based on U.S. Patent No. 6,543,861.
- Claims 1-17 and 23-33 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Lindblom* (U.S. Patent No. 5,373,902) in view of *Kelderman* (U.S. Patent No. 5,829,848). Regarding claims 1-10 and 23-33, the rejection is rendered moot by the present claim amendments. Regarding claims 11-17, Applicant respectfully traverses the rejection.

The applied references, alone or in combination, fail to teach or suggest "the apparatus frame being of a uni-body construction that includes a plurality of fixed-mounts in fixed relative positions, each fixed-mount defining an axis, wherein: . . . the at least one bogie wheel is rotatably mounted to one of the fixed-mounts and turns on the respective fixed-mount axis . . .", as claimed in independent claim 11.

Instead, *Kelderman* discloses mid-rollers 102 about their individual axles 106, the axles 106 each secured by opposed bearing brackets 107 that are fixed to side brackets 104 of a sub-assembly frame 103 (e.g., col. 3: lines 45-53; Fig. 9). The mid-roller sub-assembly frame 103 is

attached on one end to a primary frame 442 via a third pivot 215, a fourth pivot 218, and a first pivot 27 via intermediate connecting member 214 and a secondary frame 26. (e.g., col. 4: lines 3-10; Fig. 2). The mid-roller sub-assembly frame 103 is attached on its other end by way of rear connecting members 212 that are rigidly attached at one end to the primary frame 442 and pivotally connected at the other end to a mid-roller sub-assembly 101 at a second pivot 213 (e.g., col. 3: line 65 to col. 4: line2).

By comparison, the rotational axes of mid-rollers 102 of *Kelderman* are separated from primary frame 442 by a number of individual structures, each of which includes one or more pivots. Such is unrelated to "at least one bogie wheel [] rotatably mounted to one of the fixed-mounts [of the uni-body frame] and [that] turns on the respective fixed-mount axis . . .", as claimed in independent claim 11.

Since the applied prior art references, alone or in combination, do not teach or suggest all the claim limitations, Applicant respectfully requests the § 103 rejection of claims 11-17 be withdrawn. See, e.g., MPEP § 2143 *et seq.* Claims 12-17 are patentable at least by virtue of their respective dependencies from independent claim 11.

#### **Request for Interview**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly **requested to call** the undersigned at the telephone number listed below.

Amendment under 37 C.F.R. § 1.111  
U.S. Application Serial Number 10/730,574

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 10-0270.

Respectfully submitted,



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